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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,214

10/06/2005

Rainer Glauning

3443

6728

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

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EXAMINER

NASH, BRIAN D

ART UNIT

PAPER NUMBER

3721

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,214	Applicant(s) GLAUNING ET AL.	
	Examiner Brian Nash	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's preliminary amendment received 10/6/2005. The pending claims are 1-16.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 there is insufficient antecedent basis for the terminology "the end region".

In claim 2 there is insufficient antecedent basis for the terminology "the inner wall".

Claims 10-16 are indefinite in that they are directed toward structural limitations of a power supply module for mating with the housing of the claimed electric power tool and do not further limit the structure of the claimed electric power tool. The Examiner suggests that applicant amend claims 10-16 so that a combination power tool and mating power supply module are claimed, e.g. "the electric power tool in accordance with claim 1 having a mating power supply module for interchangeable attachment to the tool housing of the electric power tool, the power supply module having a housing that...".

Appropriate correction is required.

In claim 12 there is insufficient antecedent basis for the terminology "the free end". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,671,815 to Kabatnik et al.

With respect to claim 1, a power tool (10) having a housing (12) in which a guide sleeve (57) is formed capable of receiving a power supply module (11), the sleeve having an opening (not numbered) for accepting the power supply module and at least one form-locking element (57a,b) disposed on an end region (51) of the sleeve facing away from the sleeve opening (see Fig. 4).

With respect to claim 2, the form-locking rib (57a,b) protrudes from an inner wall (63) of the guide sleeve.

With respect to claim 3, the rib (57a,b) extends from an end (51) facing away from sleeve opening (not numbered).

With respect to claim 4, the rib (57a,b) is embodied in one piece with the guide sleeve.

With respect to claim 5, the end face of the rib (57a,b) has rounded edges and corners (Fig. 4).

With respect to claim 8, the ribs (57a,b) are spaced apart from each other and are located mirror-symmetrically to one another.

With respect to claim 9, the guide sleeve (57) has a box-like profile and a convex profile wall with the ribs (57a,b) located on the wall (Fig. 4).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,671,815 to Kabatnik et al. As discussed above Kabatnik et al disclose the invention substantially as claimed, but do not explicitly show the rib portion (57,63) to comprise a triangular cross section or trapezoidal outline; however, it would have been an obvious matter of design choice to use either shape or cross section since applicant has not disclosed that any specific cross section or shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either design choice.

9. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,671,815 to Kabatnik et al. As discussed above, claims 10-16 are directed toward structure of a power supply module for mating with the housing of the claimed electric power tool and do not further limit the structure of the claimed electric power tool; however, if claimed in combination with the electric power tool, Kabatnik et al disclose a mating power supply module substantially as claimed (see Figs. 2-5). While the power supply module of Kabatnik et al may not be the exact module as claimed, it would have been obvious to one skilled in the art to configure/modify the external structure of a power supply module for mating with the guide sleeve of it's electric power tool in order to provide interlocking components for securing the power module to the power tool since such a modification is within the engineering purview of the skilled artisan and is well known in the art of cordless power tools.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment (PTO-892) for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 6 p.m.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/6/2007


BRIAN D. NASH
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700